

Exhibit 2. Declaration of Sarah Hayes

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Mohamed John Akhtar and
La Buca Restaurant, Inc. d/b/a
Swing 46 Jazz and Supper Club,

Plaintiffs,

v.

Eric Adams, Mayor of the City of
New York, Rohit T. Aggarwala, New
York City Department of
Environmental Protection, Eric I.
Eisenberg, and John and Jane
Does One through Thirty,

Defendants.

Case No. 23-cv-6585 (JGLC)(VF)

Declaration of Sarah Hayes

I, Sarah Hayes, of full age declares and affirms, under the penalty of perjury, to the truth of the following.

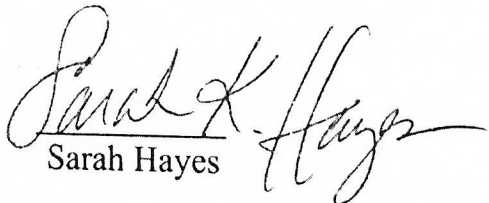
1. I am a resident of the City of New York and I have been an entertainer at La Buca Restaurant, Inc., d/b/a Swing 46 Jazz and Supper Club (hereinafter "Swing 46") for the past twenty years. I am aware of the challenges Swing 46 and its owner, Mohamed John Akhtar, are facing.

2. In addition to entertaining as a singer, I help out at the club with various jobs, such as decorating, event planning, promoting, and etc.
3. Swing 46, located on what is famously known as Restaurant Row, provides a unique blend of music, live musicians, and lessons in swing dance. It is a big draw for tourists, which is an asset for the City of New York. Most significantly, it is a source of employment for many of New York City's best performers.
4. The entire community of performers, restaurants, and clubs barely made it through the Covid epidemic; many did not. Now there is another epidemic (financial) caused largely by the fraudulent conduct of an individual known as Eric M. Eisenberg (hereinafter "Eisenberg").
5. I have personal knowledge that Swing 46 is facing severe economic challenges largely due to the misconduct of Eisenberg.
6. There came a time when swing 46 was hit with a blizzard of noise complaints, enforced by the N.Y.C. Department of Environmental Protection (hereinafter "DEP".) What I came to learn is that DEP has delegated its enforcement responsibilities to private citizens. There is a bounty granted to citizens for summonses issued. This has encouraged Eisenberg, and perhaps for other reasons, to fabricate claims of music he says he can hear outside of Swing 46.

7. For much of 2023, Eisenberg has been seen prowling the streets after dark and I have recorded him falsely collecting "evidence." Eisenberg appears to be using a cell phone in making his cases. I have personally encountered Eisenberg when he has come on the property of Swing 46 and told him repeatedly not to trespass. Yet, he has continued to return where he is not welcome.
8. My understanding is that there is a designated distance where Eisenberg is permitted to collect "evidence" of noise. Instead, Eisenberg walks right up into the entrance way of Swing 46 and sticks his cell phone directly to a music speaker to make his audible music cases. On more than one occasion, when I have encountered Eisenberg trespassing, he has screamed at me, given me the middle finger, and told me to "fuck off." I have video footage of his conduct. I, as well as others, find Eisenberg's conduct to be very disturbing.
9. Eisenberg also has disturbed patrons dining on Swing 46's patio. He once frightened young girls that were dining with their family, yelling at the host and cursing in a loud, offense manner. He is purposely disrupting business and causing problems for everyone. His behavior is inexcusable.

10. The ambiance of music has always been a part of the New York entertainment district. Because of Eisenberg, the heart of the district is being torn apart.
11. The challenges that Swing 46 Jazz's owner, Mohamed John Akhtar, faces because of Eisenberg's misconduct is enormous, burdensome, unsettling and he should be held accountable. The club has gotten into serious debt because of the false claims Eisenberg has filed.
12. Eisenberg, because of his prowling and hanging around the club, gives the appearance that he is specially targeting the business owner, Mohamed John Akhtar, who I know to be a Muslim from the Country of Bangladesh. Regardless of what some people may think of Mr. Akhtar, he is a United States Citizen and productive member of the community.
13. Eisenberg needs to be held accountable for his actions.
- I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 31, 2023


Sarah Hayes